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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,152	03/01/2002	Rene P. Helbing	10004263-1	2625

7590 10/27/2006
AGILENT TECHNOLOGIES, INC.
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Loveland, CO 80537-0599

EXAMINER

TRAN, DZUNG D

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 10/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/087,152

Applicant(s)

HELBING ET AL.

Examiner

Dzung D. Tran

Art Unit

2613

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 30 September 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-39.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

Dzung Tran
DZUNG TRAN
PRIMARY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: As per the rejection of claims 1, 2, 13, 20-21, 27 and 31 under 35 U.S.C. 102(a) as being anticipated by Bellotti et al. Applicant argues that Bellotti fail to disclose, teach or suggest "a demultiplexer adapted to receive the plurality of wavelengths from the optical fiber and divide the plurality of wavelengths into individual wavelength, the individual wavelengths relatively delayed by a respective dispersion compensation element, each dispersion compensation element having a different delay characteristic to reduce inter wavelength spectral dispersion and to synchronize each portion of the signal with respect to time across the plurality of wavelength" in claims 1 and 13. However, Bellotti clearly discloses dispersion compensator comprising "a demultiplexer (e.g., DEMUX of figure 3a) adapted to receive the plurality of wavelengths from the optical fiber (see Figures 3(a) and 4) and divide the plurality of wavelengths (e.g., channel 1 to channel n), into individual wavelength (e.g., channel 1 or channel 2, ... or channel n), the individual wavelengths relatively delayed by a respective dispersion compensation element, each dispersion compensation element having a different delay characteristic, see Figure 3(a), so that each wavelength relatively to reduce inter wavelength spectral dispersion and to synchronize each portion of the signal with respect to time across the plurality of wavelength (page I-205)".

As per the rejection of claims 1-8, 10-16, 18-23, 25-29, 31-32 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kashiwara et al. US Patent no. 6,567,587 in view of Bellotti et al.. Applicant argues the combination of Kashiwara and Bellotti fail to disclose, teach or suggest "a demultiplexer adapted to receive the plurality of wavelengths from the optical fiber and divide the plurality of wavelengths into individual wavelength, the individual wavelengths relatively delayed by a respective dispersion compensation element, each dispersion compensation element having a different delay characteristic to reduce inter wavelength spectral dispersion and to synchronize each portion of the signal with respect to time across the plurality of wavelength" in claims 1 and 13. However, as per the rejection above, Kashiwara discloses a multiplexer/demultiplexer 4, 5, 6 of figure 1 having input waveguide 3 (col. 2, line 48) adapted to receive the plurality of wavelengths from the optical fiber 15 and divide the plurality of wavelengths into individual wavelengths I1, I2... In. Kashiwara discloses in figure 1, the Bragg gratings 7b connected to the plurality of output waveguides 7 for dispersion compensation each wavelengths I1, I2... In (col. 4, lines 65-66), Kashiwara also discloses in col. 3, line 37 to col. 4, line 16 for adjusting the delay time of the Bragg grating to compensate for wavelength dispersion and although Kashiwara does not specifically disclose the individual wavelengths relatively delayed by a respective dispersion compensation element, each dispersion compensation element having a different delay characteristic, so that each wavelength relatively to reduce inter wavelength spectral dispersion and to synchronize each portion of the signal with respect to time across the plurality of wavelength. Giovanni discloses the individual wavelengths relatively delayed by a respective dispersion compensation element (e.g., different delay line), each dispersion compensation element or delay line having a different delay characteristic, see Figure 3(a), so that each wavelength relatively to reduce inter wavelength spectral dispersion and to synchronize each portion of the signal with respect to time across the plurality of wavelength (page I-205).

It would have been obvious to an artisan at the time of the invention was made to implement the teaching of Giovanni that is connect different delay line or dispersion compensation element to each channel wherein each dispersion compensation element having a different delay characteristic, so that each wavelength relatively to reduce inter wavelength spectral dispersion and to synchronize each portion of the signal with respect to time across the plurality of wavelength in the apparatus of Kashiwara. One of ordinary skill in the art would have been motivated to do this in order to reduce the wavelength dispersion per each wavelength. Thus, it improves cross-talk performance between the wavelengths of the WDM system.